

MONDAY, MARCH 20, 2000
SIXTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Maddox.

Representative Maddox led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Boyer; business reasons.

Representative Cole (Carter); personal reasons.

Representative Jackson; personal reasons.

Representative Kernell; personal reasons.

Representative Phelan; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2140: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 2318: Rep(s). Eckles, Hood, Naifeh, Fitzhugh, Maddox, Baird, J. DeBerry, Stulce, Montgomery, Davis (Washington), Walker, Buttry and Turner (Hamilton) as prime sponsor(s).

House Bill No. 2600: Rep(s). Beavers, Buttry, Patton, Ford, Davis (Washington), Hood and Davidson as prime sponsor(s).

House Bill No. 3128: Rep(s). Patton as prime sponsor(s).

House Bill No. 3194: Rep(s). Roach, Fraley and Turner (Hamilton) as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 532** -- Constitutional Amendments - Proposes amendment to Article VI, Section 14, to permit general assembly to define, regulate and set maximum amount of civil penalties. by *Hargrove.

House Judiciary Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 23, 2000:

House Resolution No. 159 -- Memorials, Recognition - Second Annual Women's Holy Convocation. by *Brooks.

House Resolution No. 160 -- Memorials, Personal Achievement - Jonathan Robert Snow, Eagle Scout. by *Scroggs.

House Resolution No. 161 -- Memorials, Sports - Nathan Barnes, Deaf Silent News soccer Second Team All-American. by *Baird.

House Resolution No. 162 -- Memorials, Sports - J. R. Quinn, Deaf Silent News Second Team All-American. by *Baird.

House Resolution No. 163 -- Memorials, Sports - Todd Collins, St. Louis Rams linebacker. by *Roach, *DeBerry L, *McKee, *Montgomery, *Rinks, *Davis (Cocke), *Whitson.

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House Resolution No. 164 -- Memorials, Retirement - Elizabeth "Liz" Bennett. by *Hood, *Eckles.

House Joint Resolution No. 533 -- Memorials, Personal Achievement - Tennessee Agriculture Museum, student farm essay contest. by *Bone, *Walley, *Buck, *Kisber, *Davis (Cocke), *McDaniel, *Phillips.

House Joint Resolution No. 534 -- Memorials, Personal Achievement - Christine Dorris, Ms. Senior Tennessee 1999. by *Walker (Rhea).

House Joint Resolution No. 535 -- Memorials, Public Service - HOSA team, Beech High School. by *Black, *McDonald.

House Joint Resolution No. 536 -- Memorials, Academic Achievement - Erica Williams, 2000 Salutatorian, Campbell County High School. by *Baird.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3297 -- Harriman - Subject to local approval, establishes Roane Medical Center Hospital Authority. by *Ferguson.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2134** -- Boats, Boating - Authorizes wildlife resources commission to establish required boating education program and to create rules and fees for such program. Amends TCA Section 69-10-209. by *Haun. (HB2964 by *Jackson)

***Senate Bill No. 2171** -- Taxes, Litigation - Provides that no litigation or privilege taxes may be collected on metered space parking violations other than the currently required tax of \$1.00. Amends TCA Title 16, Chapter 3, Part 8; Title 55, Chapter 8; Title 55, Chapter 10 and Title 67. by *Henry. (HB3071 by *Kisber)

Senate Bill No. 3111 -- Mining and Quarrying - Changes fees for administering mine foreman examinations and for issuing and registering mine foreman qualification certificates from \$7.50 to \$25.00; permits department of labor and workforce development to organize and conduct mine safety programs and to charge fees of up to \$350 per program to defray costs of such programs. Amends TCA Title 59, Chapter 4. by *Eisea. (*HB3039 by *Kerr)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3295 -- Rockwood -- Local Bill Held on House Desk

House Bill No. 3296 -- Bells -- Local Bill Held on House Desk

CONSENT CALENDAR

***House Bill No. 3227** -- Litter Control - Includes Washington County in list of counties presently authorized to control and remove vegetation on owner-occupied properties within county. Amends TCA Section 5-1-115. by *Patton. (SB3220 by *Crowe)

House Bill No. 3128 -- Utilities, Utility Districts - Authorizes utility management review board to issue subpoenas requiring attendance of witnesses and production of evidence; provides for enforcement of such subpoenas. Amends TCA Title 7, Chapter 82. by *Curtiss. (*SB3047 by *Clabough)

***House Bill No. 3022** -- Education - Defines "expulsion," "suspension" and "remand" for purposes of coding student's absence due to disciplinary actions Amends TCA Title 49, Chapter 6, Part 30. by *Harwell. (SB3094 by *Atchley)

House Bill No. 2987 -- Drugs - Reclassifies ketamine hydrochloride from Schedule IV controlled substance to Schedule III controlled substance. Amends TCA Title 39, Chapter 17, Part 4. by *Bone, *Sands. (*SB3037 by *Rochelle)

House Bill No. 2840 -- Municipal Government - Authorizes municipalities incorporated under mayor-aldermanic form of government to change corporate name by resolution adopted by 2/3 vote of board and referendum if petitioned by 10 percent of qualified electors of municipality. Amends TCA Title 6. by *Sands, *Williams (Williamson). (*SB2961 by *Blackburn)

House Bill No. 1189 -- Fiduciaries - Rewrites "Uniform Principal and Income Act." Amends TCA Title 35, Chapter 6. by *McMillan, *Rhinehart, *Fowlkes, *Boyer, *Sands. (*SB837 by *Fowler)

***House Bill No. 3037** -- Labor and Workforce Development, Dept. of - Requires that person assessing penalties under TOSHA have minimum rank of "division director" instead of minimum rank of "division administrator." Amends TCA Section 50-3-9. by *McKee. (SB3109 by *Elsa)

***House Bill No. 1730** -- Economic and Community Development - Authorizes funding for consortium of historically black colleges and universities, subject to appropriation, to be used toward strategic economic development objectives of consortium, state and participating private industry; authorizes and directs department of economic and community development and THEC to assist consortium in meeting key objectives. Amends TCA Title 4, Chapter 3, Part 7 and Title 49, Chapter 7. by *Armstrong, *Turner (Shelby), *Kernell, *Pruitt, *Brooks, *Miller L, *Kisber, *Langster, *Bowers, *DeBerry L, *Brown, *DeBerry J, *Jones U (Shelby), *Cooper B, *Caldwell. (SB1836 by *Harper)

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***House Bill No. 3014** -- Adoption - Expands purposes of foster care permanency hearings by increasing scope of permanency plans Amends TCA Title 37. by *Davis (Cocke). (SB3087 by *Fowler)

House Bill No. 2229 -- Attorneys at Law - Repeals provisions outlining disciplinary proceedings for attorneys being disbarred or disciplined. - Repeals TCA Title 23, Chapter 3, Part 2. by *Buck. (*SB2303 by *Haynes)

On motion, House Bill No. 2229 was made to conform with **Senate Bill No. 2303**; the Senate Bill was substituted for the House Bill.

House Bill No. 2121 -- Workers' Compensation - Makes any portion of workers' compensation judgment not appealed or for which permission to appeal not granted by supreme court due and payable when time to appeal has expired. Amends TCA Title 50, Chapter 6, Part 2. by *Buck, *Cooper B. (*SB2054 by *Crutchfield)

***House Bill No. 2115** -- Workers' Compensation - Clarifies that post judgment interest in workers' compensation cases is computed from date judgment entered by trial court; requires commissioner of financial institutions to maintain and send letter certifying what prime loan rate was on given month and year. Amends TCA Title 50, Chapter 6, Part 2. by *Buck, *Cooper B. (SB2492 by *Haynes)

House Bill No. 2254 -- Oakdale - Subject to local approval, revises elections and terms for mayor and aldermen. Amends Chapter 51 of the Private Acts of 1995. by *Windle. (SB2440 by *Davis L)

House Bill No. 3289 -- Parrottsville - Subject to local approval, rewrites charter. Amends Chapter 322 of the Private Acts of 1949; as amended. by *Davis (Cocke). (SB3280 by *Haun)

House Bill No. 3293 -- Bells - Subject to local approval, extends regular term of office for mayor and aldermen from two to four years. Amends Chapter 80 of the Private Acts of 1993. by *Cole (Dyer). (SB3283 by *Wilder)

House Bill No. 3294 -- Ridgeside - Subject to local approval, revises maximum tax rate. Amends Chapter 615 of the Private Acts of 1931; as amended. by *Turner (Hamilton). (SB3277 by *Fowler)

House Resolution No. 154 -- Memorials, Public Service - Dr. Jesse Lee Walker, Campbell County Rotary Club's Citizen of the Year. by *Baird, *Goins.

House Resolution No. 157 -- Memorials, Personal Achievement - Richelle Wilkerson, Girl Scout Gold Award. by *Hagood, *Dunn, *Bittle, *Gunnels, *Armstrong, *Tindell, *Boyer, *Buttry, *Kerr, *Newton.

House Joint Resolution No. 529 -- Memorials, Recognition - Grand Ole Opry and members. by *West.

House Joint Resolution No. 530 -- Memorials, Sports - Dobyys-Bennett High School Spirit Shakers. by *Westmoreland.

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House Joint Resolution No. 531 -- Memorials, Recognition - Masons' 160th Anniversary. by *Cole (Dyer).

Senate Joint Resolution No. 663 -- Memorials, Recognition - Marty Owens, Author of Children's Books. by *Rochelle.

Senate Joint Resolution No. 664 -- Memorials, Death - Dr. Hugh Green. by *Rochelle.

Senate Joint Resolution No. 665 -- Memorials, Congratulations - Wilson County Fair, 1999 State Champion Fair, AAA division. by *Rochelle.

Senate Joint Resolution No. 666 -- Memorials, Death - Dr. Robert Culpepper. by *Rochelle.

Senate Joint Resolution No. 668 -- Memorials, Public Service - Bethel Newport. by *Burks.

Senate Joint Resolution No. 669 -- Memorials, Academic Achievement - Jean Marie Peacher, Salutatorian, Stewart County High School. by *Kurita.

Senate Joint Resolution No. 670 -- Memorials, Personal Achievement - Christopher Donel Collins, Eagle Scout. by *Fowler, *Leatherwood.

Senate Joint Resolution No. 671 -- Memorials, Recognition - R. Hix Clark. by *Henry, *McNally, *Rochelle.

Senate Joint Resolution No. 674 -- Memorials, Death - Jeanne Williamson. by *Haynes.

Senate Joint Resolution No. 675 -- Memorials, Academic Achievement - Jeffrey A. Bollig, Valedictorian, Beech High School. by *Graves.

Senate Joint Resolution No. 676 -- Memorials, Academic Achievement - Jared Reed Powelson, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 677 -- Memorials, Academic Achievement - Kenneth D. Hayes II, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 678 -- Memorials, Recognition - William J. Carver, University of Tennessee. by *Graves, *Rochelle, *Haynes.

Senate Joint Resolution No. 679 -- Memorials, Heroism - James "Hootie" Bently. by *Springer.

Senate Joint Resolution No. 680 -- Memorials, Public Service - Cheryl James, 1999 Hickman Civitan Club Citizen of the Year. by *Springer.

Senate Joint Resolution No. 681 -- Memorials, Public Service - Louise Fisher, 1999 South Lawrence "Citizen of the Year". by *Springer.

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Senate Joint Resolution No. 682 -- Memorials, Heroism - Genifer and Dwight Strickland. by *Springer.

Senate Joint Resolution No. 683 -- Memorials, Heroism - Detective Larry L. Holman, Jr. by *Springer.

Senate Joint Resolution No. 684 -- Memorials, Heroism - Officer Tim Buchanan, Centerville Police Department Medal of Valor. by *Springer.

Senate Joint Resolution No. 685 -- Memorials, Heroism - John Estes. by *Springer.

Senate Joint Resolution No. 686 -- Memorials, Heroism - Jerry Simmons, Medal of Valor. by *Springer.

Senate Joint Resolution No. 687 -- Memorials, Death - Chuck and Jerrid Pierce. by *Herron.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 3022: by Rep. Cooper

House Bill No. 3037: by Rep. Bowers

House Bill No. 1730: by Rep. Williams

Under the rules, House Bill No. 3022, 3037 and 1730 was/were placed at the foot of the calendar for March 23, 2000.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2318** – Education, Higher - Requires THEC to develop and enforce policies for transfer of credits among various institutions of higher education and structuring of courses at such institutions to facilitate this. Amends TCA Title 49, Chapter 7. by *Kisber, *Davidson, *Head, *Cole (Dyer), *McMillan, *Hargrove, *Rinks, *DeBerry L, *Cooper B. (SB2572 by *Cooper)

Rep. Kisber moved that House Bill No. 2318 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2318 by deleting the last sentence from the amendatory language of subsection (e) in Section 1, and by substituting instead the following:

The commission shall direct the board of regents and the University of Tennessee board of trustees to develop comprehensive plans and requirements for the establishment of track programs for all majors and baccalaureate degree programs and to submit the same to the commission by the fall semester of 2000. By fall semester 2001, the commission shall implement such plans and requirements for all majors and baccalaureate degree programs.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. McDonald moved the previous question, which motion prevailed.

Rep. Kisber moved that **House Bill No. 2318**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 93.

A motion to reconsider was tabled.

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***House Bill No. 2140** – Taxes, Real Property - Exempts from property taxes certain public radio stations with educational programming. Amends TCA Title 67, Chapter 5, Part 2. by *West, *Langster. (SB2172 by *Harper)

Rep. West moved that House Bill No. 2140 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2140 By deleting the amendatory language of Section 1 in its entirety, and by substituting instead the following language:

() The general assembly finds that public radio broadcasting serves a valid educational purpose so long as the broadcaster holds an educational broadcast license issued by the federal communications commission; and, therefore, that property, or any part thereof, owned by a public radio station which is an affiliate member of the public broadcasting network, and which holds such a license, whether as a transferee, successor, or otherwise, of a license formerly held by the public library board of any county having a metropolitan form of government, shall be exempt from property taxation to the extent the property is used in a manner consistent with the license.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 2140**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

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House Bill No. 2735 -- Alcoholic Beverages - Redefines "museum" for authorization of sale and consumption of alcoholic beverages. Amends TCA Section 57-4-102. by *Pruitt, *West, *Langster, *Odom, *Jones, S., *Towns, *Briley, *Garrett, *Robinson, *Harwell, *Arriola, *Rinks, *Hargrove, *Turner (Hamilton), *Miller L, *Brown, *Jones U (Shelby), *Kerr, *DeBerry L, *Armstrong, *Brooks, *Rhinehart, *Bowers. (*SB2359 by *Harper, *Haynes, *Henry, *Rochelle, *Crutchfield, *Kyle)

Rep. Pruitt moved that House Bill No. 2735 be passed on third and final consideration.

Rep. West moved the previous question, which motion prevailed.

Rep. Pruitt moved that **House Bill No. 2735** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 66 |
| Noes | 21 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J., DeBerry L., Eckles, Fowlkes, Fraley, Givens, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, McCord, McKee, McMillan, Miller, Montgomery, Newton, Odom, Phillips, Pinion, Pruitt, Rhinehart, Rinks, Robinson, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Baird, Beavers, Bunch, Davis (Washington), Dunn, Ferguson, Ford, Godsey, Goins, Hood, Maddox, McAfee, McDaniel, McDonald, Mumpower, Ridgeway, Roach, Walley, White, Windle, Wood -- 21.

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

***House Bill No. 2304** -- Local Education Agency - Provides that local education board members, their spouses and former members out of office one year or less are not eligible to be selected as director of schools; requires master's of education rather than bachelor's degree to be selected as director, but grandfathers in incumbent directors. Amends TCA Section 49-2-203(a)(1) and Section 49-2-301(i). by *Winningham, *Davis (Cocke), *Whitson, *Davidson. (SB2591 by *Burks)

Rep. Winningham moved that House Bill No. 2304 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2304 by deleting Section 3 of the printed bill and substituting the following:

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, but shall apply to local education agencies which have a vacancy in the directorship of schools as of the effective date of the act only after that current vacancy has been filled.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2304 by adding the following at the end of amendatory subdivision (E) in Section 1 of the printed bill:

or by a board on which the spouse has served within the past twelve (12) months.

On motion, Education Committee Amendment No. 2 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Winningham moved that **House Bill No. 2304**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 63 |
| Noes | 22 |
| Present and not voting | 5 |

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Curtiss, Davidson, Davis (Cocke), DeBerry J., DeBerry L., Eckles, Ferguson, Ford, Fraley, Gunnels, Hargrove, Hassell, Head, Hood, Jones S., Jones U., Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Patton, Phillips, Pinion, Pruitt, Ridgeway, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Turner (Hamilton), Turner (Shelby), Walker, West, Whitson, Williams, Windle, Winningham, Wood -- 63.

Representatives voting no were: Baird, Beavers, Davis (Washington), Dunn, Fitzhugh, Fowlkes, Givens, Godsey, Goins, Hagood, Hargett, Kent, Kerr, Mumpower, Pleasant, Rhinehart, Rinks, Tindell, Todd, Walley, White, Mr. Speaker Naifeh -- 22.

Representatives present and not voting were: Brooks, Harwell, McCord, Odom, Westmoreland -- 5.

A motion to reconsider was tabled.

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House Bill No. 3194 -- Children - Broadens child bicycle helmet requirements to include any highway, street or sidewalk; Amends TCA Title 55, Chapter 52. by *Sands, *Caldwell, *Hood, *Eckles, *Fowlkes, *Williams (Williamson), *Arriola, *McDonald, *Maddox, *Robinson, *Newton, *McMillan, *Harwell. (*SB2794 by *Herron, *Kurita)

On motion, House Bill No. 3194 was made to conform with **Senate Bill No. 2794**; the Senate Bill was substituted for the House Bill.

Rep. Sands moved that Senate Bill No. 2794 be passed on third and final consideration.

Rep. Turner (Hamilton) moved the previous question, which motion failed by the following vote:

Ayes..... 50
Noes 32

Representatives voting aye were: Baird, Beavers, Bittle, Black, Bone, Briley, Bunch, Buttry, Caldwell, Davis (Cocke), Fitzhugh, Ford, Fowlkes, Fraley, Goins, Hargett, Harwell, Hassell, Hood, Jones S., Kent, Kerr, Kisber, Maddox, McAfee, McDaniel, McDonald, McMillan, Montgomery, Newton, Patton, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, White, Whitson, Williams -- 50.

Representatives voting no were: Armstrong, Arriola, Bowers, Brooks, Brown, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J., DeBerry L., Dunn, Ferguson, Givens, Head, Jones U., Langster, Lewis, McCord, McKee, Miller, Mumpower, Rhinehart, Sharp, Tidwell, Turner (Shelby), Westmoreland, Windle, Winningham, Wood -- 32.

After further debate, Rep. Newton moved the previous question, which motion prevailed by the following vote:

Ayes..... 62
Noes 25

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Briley, Buck, Bunch, Buttry, Caldwell, Cole (Dyer), Curtiss, Davis (Cocke), Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Hood, Jones S., Kent, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odum, Patton, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tindell, Todd, Turner (Hamilton), Walker, Walley, West, White, Whitson, Williams -- 62.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Chumney, Cooper, Davidson, Davis (Washington), DeBerry J., DeBerry L., Dunn, Ferguson, Jones U., Langster, Miller, Montgomery, Rhinehart, Sharp, Tidwell, Towns, Turner (Shelby), Westmoreland, Windle, Winningham, Wood -- 25.

Rep. Sands moved that **Senate Bill No. 2794** be passed on third and final consideration, which motion failed by the following vote:

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Ayes..... 49
Noes 30
Present and not voting 6

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Briley, Bunch, Buttry, Caldwell, Curtiss, DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Hagood, Hargett, Hargrove, Harwell, Hassell, Hood, Jones S., Kent, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Newton, Odom, Patton, Pleasant, Pruitt, Roach, Robinson, Sands, Scroggs, Stulce, Tindell, Todd, Turner (Hamilton), Walker, Walley, West, Williams, Mr. Speaker Naifeh -- 49.

Representatives voting no were: Baird, Beavers, Chumney, Cole (Dyer), Davidson, Davis (Washington), DeBerry J., Dunn, Ford, Givens, Goins, Gunnels, Head, Jones U., Kerr, McCord, McKee, Montgomery, Mumpower, Rhinehart, Rinks, Sargent, Sharp, Tidwell, Towns, Turner (Shelby), White, Windle, Winningham, Wood -- 30.

Representatives present and not voting were: Bowers, Brooks, Brown, Cooper, Godsey, Miller -- 6.

Pursuant to the rules of the House, Senate Bill No. 2794 was re-referred to the House Committee on Calendar and Rules.

***House Bill No. 2350** -- Trade Regulation - Enacts "Uniform Trade Secrets Act." by *Sands. (SB2412 by *Crutchfield)

Rep. Sands moved that House Bill No. 2350 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2350 by deleting subdivision (1) from Section 2 and substituting instead the following:

(1) "Improper means" includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy or limit use, or espionage through electronic or other means.

AND FURTHER AMEND by deleting subdivision (4) from Section 2 and substituting instead the following:

(4) "Trade secret" means information, without regard to form, including, but not limited to, technical, nontechnical or financial data, a formula, pattern, compilation, program, device, method, technique, process, or plan that:

(A) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

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(B) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

AND FURTHER AMEND by deleting subsection (a) from Section 3 and substituting instead the following:

(a) Actual or threatened misappropriation may be enjoined. Upon application to the court an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may be continued for an additional reasonable period of time in appropriate circumstances for reasons including, but not limited to, an elimination of the commercial advantage that otherwise would be derived from the misappropriation, deterrence of willful and malicious misappropriation, or where the trade secret ceases to exist due to the fault of the enjoined party or others by improper means.

AND FURTHER AMEND by deleting the first sentence of subsection (a) in Section 4 and substituting instead the following:

In addition to or in lieu of the relief provided by Section 3, a complainant is entitled to recover damages for misappropriation except to the extent that defendant can show a material and prejudicial change of position prior to acquiring knowledge or reason to know of misappropriation and such renders a monetary recovery inequitable.

AND FURTHER AMEND by deleting the last sentence of Section 7 and substituting instead the following:

For the purposes of this section, a continuing misappropriation by any person constitutes a single claim against that person, but this section shall be applied separately to any claim against each other person who receives a trade secret from another person who misappropriated that trade secret.

AND FURTHER AMEND by deleting subdivision (b)(1) in Section 8 and substituting instead the following:

(1) Contractual remedies, whether or not based upon misappropriation of a trade secret; provided, however, a contractual duty to maintain secrecy or limit use of a trade secret shall not be deemed to be void or unenforceable solely for lack of durational or geographical limitation on the duty; or

AND FURTHER AMEND by adding the following new subsection to Section 8:

(c) In no event shall a written contract be required to maintain an action or recover damages for misappropriation of a trade secret proven under this act.

AND FURTHER AMEND by deleting from Section 9 the word "uniform" and substituting instead the word "consistent".

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On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Sands moved that **House Bill No. 2350**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91

Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 91.

A motion to reconsider was tabled.

House Bill No. 2169 -- Law Enforcement - Revises formula for allocating proceeds from mandatory minimum fines imposed for drug offenses so that first 40 percent of any fine collected goes to jurisdiction initiating arrest for deposit in its special revenue fund. Amends TCA Section 39-17-428. by *Sands. (*SB2114 by *McNally)

Rep. Sands moved that House Bill No. 2169 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2169 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-428, is amended by deleting subsection (c)(1) in its entirety and substituting instead the following:

(c)(1) Fifty percent (50%) of any fine collected pursuant to subsection (b) shall be allocated in the manner set out in § 39-17-420. The remaining fifty percent (50%) shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction; provided, that if a drug task force is responsible for the investigation and arrest, the amount above the minimum fine shall be paid to the general fund of the governing body of one (1) or more counties and cities within the judicial district as directed by the court.

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SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it and shall apply to any drug offense occurring on or after such date for which a mandatory minimum fine is applicable.

Rep. Armstrong moved adoption of Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to 1

AMEND Amendment No. 1 by deleting in its entirety the amendatory language of Section 1, as amended by House Judiciary Committee Amendment 1, and by substituting instead the following language:

(c)(1) Any fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

Rep. Westmoreland moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes 68
Noes 21

Representatives voting aye were: Baird, Bittle, Black, Bone, Briley, Buck, Bunch, Buttry, Cole (Dyer), Curtiss, Davis (Cocke), Davis (Washington), Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hargett, Hargrove, Harwell, Hassell, Hood, Jones S., Kent, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Todd, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Armstrong, Arriola, Beavers, Bowers, Brooks, Brown, Caldwell, Chumney, Cooper, Davidson, DeBerry J., DeBerry L., Hagood, Head, Jones U., Langster, Miller, Towns, Turner (Hamilton), Turner (Shelby), Windle -- 21.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Sands moved that **House Bill No. 2169**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 82
Noes 3
Present and not voting 7

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Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Bone, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Hood, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 82.

Representatives voting no were: Armstrong, Bowers, Towns – 3.

Representatives present and not voting were: Black, Brown, Cooper, Head, Jones U., McDonald, Turner (Hamilton) – 7.

A motion to reconsider was tabled.

House Bill No. 1932 – Election Laws - Permits certain nonresident taxpayers in Spring Hill to vote in municipal elections. Amends TCA Section 6-53-102. by *Sands, *Williams (Williamson). (*SB1933 by *Blackburn)

Rep. Sands moved that **House Bill No. 1932** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 71 |
| Noes | 15 |
| Present and not voting | 6 |

Representatives voting aye were: Arriola, Baird, Bittle, Black, Bone, Briley, Buck, Bunch, Buttry, Caldwell, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hargett, Hassell, Head, Hood, Jones S., Kent, Kerr, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 71.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Chumney, DeBerry J., DeBerry L., Hagood, Jones U., Langster, Miller, Towns, Turner (Hamilton), Turner (Shelby), Westmoreland -- 15.

Representatives present and not voting were: Beavers, Hargrove, Harwell, Kisber, Pleasant, Pruitt – 6.

A motion to reconsider was tabled.

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House Bill No. 2839 -- Municipal Government - Increases term for mayor of Spring Hill from two years to four years beginning in 2001 election. Amends TCA Section 6-3-102. by *Sands, *Williams (Williamson). (*SB2962 by *Blackburn)

On motion, House Bill No. 2839 was made to conform with **Senate Bill No. 2962**; the Senate Bill was substituted for the House Bill.

Rep. Sands moved that **Senate Bill No. 2962** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes..... | 91 |
| Noes | 0 |
| Present and not voting | 2 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cooke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Pleasant, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

House Bill No. 2565 -- Guardianship - Permits court to approve or confirm compromise of claim filed on behalf of minor or disabled person even if action or suit for such claim is not pending Amends TCA Section 34-11-121. by *Briley. (*SB2203 by *Cohen)

On motion, House Bill No. 2565 was made to conform with **Senate Bill No. 2203**; the Senate Bill was substituted for the House Bill.

Rep. Briley moved that **Senate Bill No. 2203** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 90 |
| Noes | 0 |

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

House Bill No. 2600 -- Funeral Directors and Embalmers - Repeals cremation provisions; requires cremations be delayed if requested by person signing death certificate or law enforcement officer if suspicion as to cause of death. Amends TCA Title 62, Chapter 5. by *Kerr, *Dunn, *Odom, *Hargett, *Black, *Baird, *Garrett, *Walker (Rhea), *Winningham, *Tidwell, *Jones, S., *Hagood, *Caldwell, *West, *Sands, *Ferguson, *Eckles, *Arriola, *Bone, *Briley, *Harwell, *Gunnels. (*SB2827 by *Burchett, *Burks, *Haun, *Williams)

Rep. Kerr moved that House Bill No. 2600 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2600 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-5-501, is amended by deleting subdivisions (1), (2), (3), and (6) in their entirety and by renumbering remaining subdivisions accordingly.

SECTION 2. Tennessee Code Annotated, Section 62-5-502, is amended by deleting such section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 62-5-503, is amended by deleting such section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 62-5-504, is amended by deleting subsection (a)(3) in its entirety and by adding the word "and" at the end of subdivision (2) of subsection (a) and by designating present subdivision (4) as subdivision (3).

SECTION 5. Tennessee Code Annotated, Section 62-5-504, is further amended by deleting subsection (b) in its entirety.

SECTION 6. Tennessee Code Annotated, Section 62-5-505, is amended by deleting such section in its entirety.

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SECTION 7. Tennessee Code Annotated, Section 62-5-506, is amended by deleting such section in its entirety.

SECTION 8. Tennessee Code Annotated, Section 62-5-507(a) is amended in the first sentence by deleting the language "or the authorizing agent".

SECTION 9. Tennessee Code Annotated, Section 62-5-507(c), is amended by deleting the language "Unless the instructions contained in the cremation authorization form specifically provide otherwise, no" and by substituting instead the word "No".

SECTION 10. Tennessee Code Annotated, Section 62-5-507(c)(1), is amended by deleting the subsection in its entirety, and by substituting instead the following language:

(c) No operator of a crematory facility shall fail to cremate, in its entirety with the body, the casket or container, if any, in which the body was delivered or accepted by the crematory facility, if the instructions for the disposition of the body so request such items to be cremated with the body; provided, that the crematory facility shall be permitted to remove any non-combustible materials from such casket or container prior to cremation.

SECTION 11. Tennessee Code Annotated, Section 62-5-507(b)(1), is amended by deleting the language "and subject to the prohibition set forth in subdivision (c)(1)".

SECTION 12. Tennessee Code Annotated, Section 62-5-507(e), is amended by deleting the language ", the authorizing agent for the cremation of the decedent, and persons authorized by the authorizing agent" and by substituting instead the language "and persons authorized pursuant to the instructions of the decedent or an heir or personal representative of the decedent, if any".

SECTION 13. Tennessee Code Annotated, Section 62-5-507(f)(1), is amended by deleting the words "the cremation authorization form" and by substituting instead the language "the operator was acting under instructions which".

SECTION 14. Tennessee Code Annotated, Section 62-5-507(g), is amended by deleting the second and third sentences in their entirety.

SECTION 15. Tennessee Code Annotated, Section 62-5-507(h), is amended in the first sentence by deleting the language "to an authorizing agent or designee of an authorizing agent".

SECTION 16. Tennessee Code Annotated, Section 62-5-508, is amended by deleting subsections (a), (b) and (c) in their entirety and by renumbering subsection (d) accordingly.

SECTION 17. Tennessee Code Annotated, Section 62-5-508(d)(2)(B), is amended by deleting the language "when each authorizing agent who executed the cremation authorization form authorized the commingling of the cremated remains or the placement of the cremated remains in the same urn or temporary container on the authorization form;"; and by substituting instead the language "if operating under specific instructions from the decedent or decedents or an heir or personal representative designated by the decedent or decedents to make such a decision;".

SECTION 18. Tennessee Code Annotated, Section 62-5-508(d)(2)(C), is amended by deleting the sub-item in its entirety, and by substituting instead the following language:

(C) If such person is operating under the decedent's instructions, commingle the cremated remains or body parts removed from another decedent or living person, after receipt of the cremated remains or such body parts, with those of another decedent or body parts removed from another decedent or living person.

SECTION 19. Tennessee Code Annotated, Section 62-5-509(b)(3), is amended by deleting the words "or alternative container" and by substituting instead the words "or container, if any,".

SECTION 20. Tennessee Code Annotated, Section 62-5-509(b), is amended by deleting from subdivision (6) the language "if the dead human body was donated to science for purposes of medical education or research" and by adding the following language as a new subsection (c), and by redesignating subsequent subsections accordingly:

(c) If the dead human body was donated to science for purposes of medical education or research, the receipt shall indicate the name of the person who received the decedent on behalf of the facility.

SECTION 21. Tennessee Code Annotated, Section 62-5-509, is amended by deleting subsection (c) in its entirety.

SECTION 22. Tennessee Code Annotated, Section 62-5-509(d)(2), is amended by deleting the subdivision in its entirety, and by substituting instead the following language:

(2) If the cremated remains are those of a dead human body that was donated to science for purposes of medical education or research or are those of body parts, the receipt shall be signed by both a representative of the crematory facility and the person who received the cremated remains and such receipt shall indicate the date and time of the release. For other cremated remains, the receipt required by this section shall accompany the cremated remains. The signature of the person whose name is on the delivery receipt to accept delivery of the cremated remains meets the requirement of this section that the person receiving the cremated remains sign the receipt provided by the crematory facility.

SECTION 23. Tennessee Code Annotated, Section 62-5-509(e)(3), is amended by deleting the language "subsection (b)" and by substituting instead the language "this section".

SECTION 24. Tennessee Code Annotated, Section 62-5-510, is amended by deleting subsection (a) in its entirety.

SECTION 25. Tennessee Code Annotated, Section 62-5-511(a)(1), is amended by deleting the language "in the cremation authorization form executed by the decedent on an antemortem basis" and by substituting instead the language "by the decedent or an heir or personal representative of the decedent".

SECTION 26. Tennessee Code Annotated, Section 62-5-511(a)(2), is amended by deleting the language "in a cremation authorization form executed in person by the person authorized to serve as the authorizing agent for the cremation of the decedent or for the cremation of body parts of the decedent or living person, named in the cremation authorization form" and by substituting instead the language "by the decedent or an heir or personal representative of the decedent".

SECTION 27. Tennessee Code Annotated, Section 62-5-511(b)(2), is amended by deleting the language "contained in a cremation authorization form executed that authorizes the cremation of the decedent or body parts" and by substituting instead the language "provided to the operator with respect to the cremation of the decedent or body parts".

SECTION 28. Tennessee Code Annotated, Section 62-5-511(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) The operator or a crematory facility is not liable for damages in a civil action in connection with the cremation of, or disposition of the cremated remains of any dental gold, jewelry, or other items of value delivered to the facility with a dead human body or body parts unless the actions or omissions of the operator were made with malicious purpose, in bad faith, or in a wanton or reckless manner.

SECTION 29. Tennessee Code Annotated, Title 62, Chapter 5, Part 5, is amended by adding the following language as a new Section 62-5-512:

Section 62-5-512. No operator of a crematory facility shall require a person to be cremated in a casket; provided, that in the discretion of the operator of a crematory facility, a container composed of readily combustible materials that is suitable for cremation, other than a casket, may be required.

SECTION 30. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Rhinehart moved adoption of Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to 1

AMEND Amendment No. 1 by adding the following new sections immediately preceding the last section, as amended, and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 62-5-504(a), is amended by deleting subdivision (1) in its entirety, and by substituting instead the following language:

(1) The requirements of Section 62-5-513 have been met, unless the decedent having died from a virulent communicable disease, the department of health or board of health having territorial jurisdiction where the death of the decedent occurred requires by rule or order the cremation to occur prior to such requirements being met;

SECTION _____. Tennessee Code Annotated, Title 62, Chapter 5, Part 5, is amended by adding the following language as a new Section 62-5-513:

Section 62-5-513. If the body is to be cremated, then the county medical examiner must make a determination of whether the cremation may proceed within twenty-four (24) hours of being notified in accordance with the requirements of §38-7-108.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Rhinehart moved that Amendment No. 1 as amended, be adopted which motion prevailed.

Rep. Kerr moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2600 By deleting the words "The operator or" from the amendatory language of Section 28, as amended, and by substituting instead the language "The operator of".

On motion, Amendment No. 2 was adopted.

Rep. Kerr moved that **House Bill No. 2600**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 90 |
| Noes | 0 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 2720 -- Financial Disclosure - Clarifies that Chattanooga, Knoxville, Nashville and Memphis may adopt ordinances enacting more stringent financial disclosure requirements of candidates for municipal public office than required under Campaign Financial Disclosure Act of 1980. Amends TCA Title 2. by *Tindell, *Hagood, *Dunn, *Bittle, *Buttry. (*SB2878 by *Atchley)

Rep. Tindell moved that House Bill No. 2720 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2720 By deleting in its entirety the amendatory language of Section 1, and by substituting instead the following language:

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() Nothing in this part shall be construed as prohibiting the largest municipality located within any county having a population of not less than three hundred thirty-five thousand (335,000) nor more than three hundred thirty-six thousand (336,000), according to the 1990 federal census or any subsequent federal census, from enacting, by ordinance or charter amendment, more stringent financial disclosures of candidates for municipal local public office than those requirements imposed by the provisions of this part.

Rep. Tindell requested that House Bill No. 2720 be moved to the heel of the Calendar.

House Bill No. 2717 -- Massage - Exempts practice of reflexology from massage therapists licensure requirements. Amends TCA Title 63, Chapter 18, Part 2. by *Armstrong. (*SB2297 by *Atchley)

On motion, House Bill No. 2717 was made to conform with **Senate Bill No. 2297**; the Senate Bill was substituted for the House Bill.

Rep. Armstrong moved that Senate Bill No. 2297 be reset for the Regular Calendar on March 27, 2000, which motion prevailed.

House Bill No. 2116 -- Workers' Compensation - Imposes bad faith penalty upon insurance carrier or employer who wrongfully fails to pay employee's medical expenses within 60 days of workers' compensation judgment or settlement which requires payment of medical expenses if such failure results in additional expense; penalty in amount of up to 25 percent of medical expenses. Amends TCA Title 50, Chapter 6 and Title 56, Chapter 7. by *Buck, *Cooper B. (*SB2055 by *Crutchfield)

Rep. Buck moved that House Bill No. 2116 be reset for the Regular Calendar on March 23, 2000, which motion prevailed.

***House Bill No. 2238** -- Workers' Compensation - Specifies that employer who fails to provide reasonable and necessary medical treatment for injury employer knew was work-related shall be fined \$500. Amends TCA Title 50, Chapter 6. by *Buck. (SB2483 by *Haynes)

Rep. Buck moved that House Bill No. 2238 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2238 by inserting in Section 1 after the language "reasonable and necessary medical treatment" the language "including a failure to reimburse".

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

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Rep. Buck moved that **House Bill No. 2238**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 2720 -- Financial Disclosure - Clarifies that Chattanooga, Knoxville, Nashville and Memphis may adopt ordinances enacting more stringent financial disclosure requirements of candidates for municipal public office than required under Campaign Financial Disclosure Act of 1980. Amends TCA Title 2. by *Tindell, *Hagood, *Dunn, *Bittle, *Buttry. (*SB2878 by *Atchley)

Further consideration of House Bill No. 2720 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment(s) No(s). 1.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Tindell moved that **House Bill No. 2720**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 90
Noes 1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Westmoreland -- 1.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 876 -- Consumer Protection - Prohibits advertising as electrician for hire when such person has not attained standards of competency or experience required for electricians by applicable local or state governmental entity; designates such activity as unfair or deceptive act. Amends TCA Title 47, Chapter 18, Part 1. by *Kerr. (*SB844 by *Fowler)

Senate Amendment No. 2

AMEND House Bill No. 876 By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following language as a new, appropriately designated subdivision:

() Advertising that a person is an electrician for hire when such person has not been licensed by a local jurisdiction to perform electrical work within such jurisdiction or by the state as a limited licensed electrician or contractor, as appropriate or, if no such licenses are then available, such person is not registered with the state;

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.

Rep. Kerr moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 876**, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1637 -- Hospitals and Health Care Facilities - Requires CON applications for similar projects be reviewed simultaneously by health facilities commission; establishes notification procedures concerning letters filed after first letter of intent filed and procedure for filing written objections for opposition to CON application; prohibits certain communications from interested persons. Amends TCA Title 68, Chapter 11, Part 1. by *Eckles. (*SB1674 by *Kurita)

Senate Amendment No. 4

AMEND House Bill No. 1637 by deleting the current bill in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-106(a)(4), is amended by adding the following language immediately after the colon, "air ambulance service,".

SECTION 2. Tennessee Code Annotated, Section 68-11-106(d)(2), is amended by deleting the sub-item in its entirety and by substituting in lieu thereof the following:

(2) Persons desiring to file a certificate of need application seeking a simultaneous review regarding a similar project for which a letter of intent has been filed, shall file with the commission a letter of intent within ten (10) days after publication of the first filed letter of intent. A copy of any letter of intent filed after the first letter of intent shall be mailed or delivered to the first filed applicant, and shall be published in a newspaper of general circulation in the proposed service area of the first filed applicant within ten (10) days after publication by the first filed applicant. The applications shall be considered and decided by the health facilities commission simultaneously. The commission may refuse to consider the applications simultaneously, if it finds that the applications do not meet the requirements of "simultaneous review" under the rules of the commission.

SECTION 3. Tennessee Code Annotated, Section 68-11-105(2)(D), is amended by deleting the words "a review by competing", and substituting in lieu thereof, the words "simultaneous review by".

SECTION 4. Tennessee Code Annotated, Section 68-11-106(d)(1), is amended by adding the following sentence at the end of the subdivision: The published letter of intent must contain a statement (1) that any health care institution wishing to oppose the application must file written notice with the commission not later than fifteen (15) days before the commission meeting at which the application will be heard and (2) that any other person wishing to oppose the application must file a written objection with the health facilities commission at or prior to the consideration of the application by the health facilities commission.

SECTION 5. Tennessee Code Annotated, Section 68-11-106(d)(3), is amended by deleting the word "competing" in every instance in which it appears, and substituting in lieu thereof, the words "simultaneous review".

SECTION 6. Tennessee Code Annotated, Section 68-11-106(d)(4), is amended in the first sentence by deleting the language "if two (2) or more applications are competing", and substituting in lieu thereof, the language "if there are two (2) or more applications to be reviewed simultaneously"; and in the second sentence by deleting the language "as competing".

SECTION 7. Tennessee Code Annotated, Section 68-11-106, is amended by adding the following as a new subsection to be appropriately designated:

() Notwithstanding the provisions of this section to the contrary, an entity, or its successor, that was formerly licensed as a hospital, and which has received from the commissioner of health a written determination that it will be eligible for designation as a critical access hospital under the medicare rural hospital flexibility program, is not required to obtain a certificate of need to establish a hospital qualifying for such designation, if it meets the requirements of this subsection. In order to qualify for the exemption set forth in this subsection, the entity proposing to establish a critical access hospital must publish notice of its intent to do so in a newspaper of general circulation in the county where the hospital will be located and in contiguous counties. Such notice shall be published at least twice within a fifteen (15) day period. The written determination from the department of health and proof of publication required by this subsection shall be filed with the commission within ten (10) days after the last date of publication. If no health care institution within the same or contiguous counties files a written objection to the proposal with the commission within thirty (30) days of the last publication date, then the exemption set forth in this subsection shall be applicable; provided, however, this exemption shall apply only to the establishment of a hospital that qualifies as a critical access hospital under the medicare rural flexibility program and not to any other activity or service. If a written objection by a health care institution within the same or contiguous counties is filed with the commission within thirty (30) days from the last date of publication, then the exemption set forth in this subsection shall not be applicable.

SECTION 8. Tennessee Code Annotated, Section 68-11-108(a)(3), is amended by deleting the word "competing", and substituting in lieu thereof, the words "simultaneous review".

SECTION 9. Tennessee Code Annotated, Section 68-11-108, is amended by adding the following language as a new subsection (h) to read as follows:

(h) (1) Subject to subdivision (2) below, any health care institution wishing to oppose a certificate of need application must file a written objection with the health facilities commission and serve a copy on the contact person for the applicant, not later than fifteen (15) days before the commission meeting at which the application will be heard. An application for which the commission has received opposition shall be designated on the commission's agenda as an opposed application.

(2) A health care institution or other person may appear before the commission and express opposition to an application without complying with the requirements of subdivision (1), provided that if a health care institution does not provide notice of its opposition as required by subdivision (1), and if such health care institution initiates a contested case pursuant to Section 68-11-109, then such health care institution shall be solely responsible for the commission's costs of the contested case proceeding and shall reimburse to the applicant the filing fee paid by the applicant, notwithstanding any other provision of law. Noncompliance with subdivision (1) shall not preclude a health care institution from intervening in a contested case proceeding initiated by the applicant.

SECTION 10. Tennessee Code Annotated, Section 68-11-109(a), is amended by deleting from the first sentence the phrase "or any person who filed directly with the commission a prior objection to the granting of a certificate of need," and substituting the instead the phrase "any health care institution which filed a written objection in accordance with section 68-11-108(h)(1), or any other person who objected to the application pursuant to section 68-11-108(h)(2)"; and by deleting from the second sentence the phrase "or a petition for intervention".

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Eckles moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 1637**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 92 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cooke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2006** -- Taxes, Real Property - Allows property tax exemption to take effect retroactively up to 15 months earlier than date of application, but not earlier than date property began to be used for exempt purposes, when application is submitted due to relocation by applicant of use previously approved for exemption. Amends TCA Section 67-5-212. by *Kisber, *McDaniel, *Walley. (SB2069 by *Cooper, *Cooper, *Carter)

Senate Amendment No. 1

AMEND House Bill No. 2006 by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-212, is amended by adding the following sentence at the end of subsection (b)(3):

Notwithstanding the date of application, the exemption shall take effect up to eighteen (18) months earlier than the date of application, where the application was submitted due to relocation by the applicant of a use previously approved for exemption. In no event may the exemption in such cases date back earlier than the date the property subject to the application began to be used for exempt purposes.

Senate Amendment No. 2

AMEND House Bill No. 2006 by deleting Section 2, and substituting the following:

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to applications for exemption pending or under appeal to the State Board of Equalization on its effective date, but shall expire and be void and of no effect July 1, 2000.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2006**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 91 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2236** -- Consumer Protection - Requires contracts involving payment of debts that deny prepayment to state such denial in at least 10 point bold face type on face of contract; specifies that contracts that do not have such denial on face of contract subject to rescission by debtor within 36 hours of signing and are subject to federal Truth in Lending Act. Amends TCA Title 47. by *Buck. (SB2610 by *Springer)

Senate Amendment No. 2

AMEND House Bill No. 2236 by deleting Section 2 of the printed bill as amended in its entirety and by substituting instead the following:

SECTION 2. The act shall take effect January 1, 2001, the public welfare requiring it, and shall not apply to or affect contracts executed prior to that date.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2236**, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2679 -- Education - Revises "zero tolerance" law on suspension or expulsion of students who commit certain offenses. Amends TCA Title 49, Chapter 6. by *Davidson, *Kerr, *Montgomery, *Sharp, *Maddox, *Wood, *Boyer, *Towns, *Sargent, *Hagood, *Ferguson, *Walker (Rhea), *Pruitt. (*SB2576 by *Womack, *Burks, *Williams)

Senate Amendment No. 1

AMEND House Bill No. 2679 by deleting in Section 3 the words "or any other employee of a local education agency" and by substituting instead the punctuation and words ",any other employee of a local education agency or school resource officer".

AND FURTHER AMEND by inserting in Section 3 the language "or legend drug as defined by Tennessee Code Annotated, Section 53-10-101" after the language "through 39-17-415".

Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2679**, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2978 -- Capital Punishment - Requires person who committed offense prior to 1/1/99, for which such person was sentenced to punishment of death, to be put to death by lethal injection instead of electrocution as directed by court. Amends TCA Title 40, Chapter 23. by *Jackson, *Newton, *Cole (Carter), *Kent, *Todd. (*SB2866 by *Springer, *Williams)

On motion, House Bill No. 2978 was reset for the Message Calendar on March 23, 2000.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Bunch, **House Bill No. 596** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Bunch, **House Bill No. 597** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Bunch, **House Bill No. 1778** was withdrawn from the House.

On motion of Rep. Bunch, **House Bill No. 1779** was recalled from the Government Operations Committee and withdrawn from the House.

On motion of Rep. Bunch, **House Bill No. 1892** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Fraley, **House Bill No. 1048** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Cole (Dyer), **House Bill No. 3296** was withdrawn from the House.

RULES SUSPENDED

Rep. Turner (Shelby) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 538 out of order, which motion prevailed.

House Joint Resolution No. 538 -- Memorials, Recognition - Ernest C. Withers, photojournalist. by *Turner (Shelby), *Chumney, *DeBerry J, *Jones U (Shelby), *Miller L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Turner (Shelby), the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1170: Rep(s). Buck as first prime sponsor(s).

House Bill No. 1512: Rep(s). Scroggs as prime sponsor(s).

House Bill No. 1679: Rep(s). S. Jones as prime sponsor(s).

House Bill No. 1697: Rep(s). Hargett as first prime sponsor(s).

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House Bill No. 2196: Rep(s). Todd as prime sponsor(s).
House Bill No. 2583: Rep(s). Kisber as prime sponsor(s).
House Bill No. 2610: Rep(s). Naifeh as prime sponsor(s).
House Bill No. 2612: Rep(s). Briley as prime sponsor(s).
House Bill No. 2635: Rep(s). McMillan as prime sponsor(s).
House Bill No. 2864: Rep(s). Hargett as first prime sponsor(s).
House Bill No. 2914: Rep(s). Newton as prime sponsor(s).
House Bill No. 2916: Rep(s). Newton as prime sponsor(s).
House Bill No. 2917: Rep(s). Newton as prime sponsor(s).
House Bill No. 2918: Rep(s). Newton as prime sponsor(s).
House Bill No. 2919: Rep(s). Newton as prime sponsor(s).
House Bill No. 2921: Rep(s). Newton as prime sponsor(s).
House Bill No. 3030: Rep(s). Sargent as prime sponsor(s).
House Bill No. 3134: Rep(s). Fowlkes as first prime sponsor(s).
House Bill No. 3170: Rep(s). Naifeh as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Sands was/were removed as sponsor(s) of **House Bill No. 1170**.
On motion, Rep(s). U. Jones was/were removed as sponsor(s) of **House Bill No. 1697**.
On motion, Rep(s). U. Jones was/were removed as sponsor(s) of **House Bill No. 2864**.

ENGROSSED BILLS
March 20, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1189, 1932, 2140, 2169, 2115, 2121, 2238, 2254, 2304, 2318, 2350, 2600, 2720, 2735, 2840, 2987, 3014, 3128, 3227, 3289, 3293, 3294, also, House Joint Resolution(s) No(s) 529, 530, 531 and 538.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, March 23, 2000.